

PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sparks *et al.*

Application No. 10/807,856

Filed: March 23, 2004

For: Polypeptides Having A Functional Domain of Interest and Methods of Identifying and Using The Same

Group Art Unit: 1639

Examiner: M. L. Shibuya

**U.S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, VA 22314**

RESPONSE TO SPECIES ELECTION

The Election of Species Requirement mailed on October 28, 2004 has been received and carefully reviewed. The Examiner has required an election of: (1) a species directed to peptides in the range of 6 to 60 amino acid residues or 20 to 50 amino acid residues; (2) a species directed to biotinylated recognition units and avidin or streptavidin, recognition units in the form of multiple antigenic peptides, or recognition units cross-linked to a carrier protein; and (3) a species directed to a recombinant bacteriophage library, to a virus, or to a recombinant plasmid or cosmid library.

Preliminarily, Applicant would like to clarify one point. In the Species Election the Examiner stated that “[t]his application contains claims directed to the following species of claimed invention: a) biotinylated recognition units and avidin or streptavidin (as in claims 1 and 103)...” (*See*, page 2 of the Office Action dated October 28, 2004). Applicant would like to point out that claim 1 does not recite “biotinylated recognition units and avidin or streptavidin.” Clarification is respectfully requested.

In response to the Species Election, Applicant hereby elects: (1) the species directed to peptides in the range of 6 to 60 amino acid; (2) the species directed to biotinylated recognition units and avidin or streptavidin; and (3) the species directed to a recombinant bacteriophage

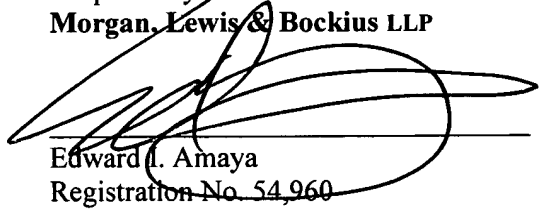
library. Applicants submit that election (1) reads upon claims 1, 42, 103 to 107 and 109; election (2) read upon claims 42, 103 to 109; and election (3) read upon claims 104 and 106.

As noted in the Species Election, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141. Accordingly, upon allowance of generic claims 1, 42 and 103, Applicants will be entitled to consideration the other claimed species.

EXCEPT for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **April 20, 2005**
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Respectfully submitted
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